



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,016	07/09/2003	Robert Beckstrom	6065-88613	1125
24628 7590 06/19/2009 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
06/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/616,016

Applicant(s)

BECKSTROM ET AL.

Examiner

THJUAN K. ADDY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 08, 2009 has been entered. Claims 1, 3, 12, 13, 22, and 26 have been amended. No claims have been cancelled. No claims have been added. Claims 1-27 are still pending in this application, with claims 1, 12, 22, 26, and 27 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/08/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 7,269,253), in view of Barkan et al. (US 6,366,575).
4. In regards to claims 1, 12, 22, 26, and 27, Wu discloses a method and apparatus of assigning a pending call to one of a plurality of agents at least some of which are human agents, such method comprising the steps of: receiving bids to handle the call from the at least some of the available human agents; and assigning the call to a human agent of the plurality of agents with a highest relative received bid (See col. 21 lines 52-62). Wu, however, does not specifically disclose providing a description of the pending call to at least some of the human agents who are available to handle calls prior to assignment of the pending call to an agent and allowing the available human agents to bid on handling the pending call, the description including call associated information and non-call associated contextual information of the pending call. Barkan, however, does disclose providing a description (e.g., Bid message) of the pending call to at least some of the human agents who are available to handle calls prior to assignment of the pending call to an agent and allowing the available human agents to bid on handling the pending call, the description including call associated information and non-call associated contextual information of the pending call (See col. 5-6 lines 59-4).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these limitations within the method, as a way of establishing a telephone call between an outside telephone and an agent station, based on bids made by one or more agent stations.

5. In regards to claims 2, 13, and 23, Wu discloses all of claims 2, 13, and 23 limitations, except the method and apparatus, wherein the description of the call comprises a call target identifier and a client identifier. Barkan, however, does disclose wherein the description of the call comprises a call target identifier (e.g., agent dn) and a client identifier (e.g., callid 1 or callid 2) (See col. 5-6 lines 59-4).

6. In regards to claims 3, 10, 14, 21, and 24, Wu discloses the method and apparatus, further comprising submitting a lowest possible bid from an agent of the plurality of agents in response to the agent double-clicking on an Enter Bid button or window (See col. 21 lines 52-62).

7. In regards to claims 4 and 15, Wu discloses all of claims 4 and 15 limitations, except the method and apparatus, wherein the step of providing the description further comprises displaying the provided information on a terminal display of each available agent of the plurality of agents in a separate call selection window for each. Barkan, however, does disclose displaying the provided information on a terminal display of each available agent of the plurality of agents in a separate call selection window for each (See col. 5-6 lines 59-4).

8. In regards to claims 5, 6, 16, 17, and 25, Wu discloses the method and apparatus, further comprising defining the bid as being a numerical value between two

non-zero limits (for example, the bid may be a commission rate) (See col. 21 lines 39-62).

9. In regards to claims 7 and 18, Wu discloses the method and apparatus, further comprising classifying the call as to media type (for example, the call has a predefined skill requirement) (See col. 21 lines 52-62).

10. In regards to claims 8 and 19, Wu discloses the method and apparatus, further comprising determining an agent average number of calls handled per time period of a call type of the classified call for each agent of the plurality of agents (See col. 21 lines 39-51).

11. In regards claims 9 and 20, Wu discloses the method and apparatus, further comprising calculating a group average of calls handled per time period of the call type of the classified call (See col. 21 lines 39-46).

12. In regards to claim 11, Wu discloses all of claim 11 limitations, except the method, further comprising assigning the call to a default agent of the plurality of agents when an acceptable bid is not received within a predetermined time period. Barkan, however, does disclose assigning the call to a default agent of the plurality of agents when an acceptable bid is not received within a predetermined time period (e.g., bid time) (See col. 5-6 lines 59-4).

Response to Arguments

13. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614